
THE
METHOD
OF
PROCEEDINGS, &c.

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THE
METHOD
OF
PROCEEDINGS,

IN ORDER TO OBTAIN A

Good Portion
Private Act of Parliament. *R*

L O N D O N :

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PROCEEDING

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M DCCCXXXV

The Course of the Proceedings in Parliament on Private Bills.

THE first Thing to be done is to prepare a Petition to the Lords according to the Case, the Form whereof is as follows :

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The humble Petition of Mary Stiles Widow, and John Roe, of London, Esq; on Behalf of themselves, and of Margaret Roe Wife of the said John Roe, and of Mary Fenn, John Fenn, Jane Fenn and James Fenn, Grandchildren of the said Mary Stiles, all Infants under the Age of Fourteen Years,

Sheweth,

That by the Last Will and Testament of *George Stiles*, late of the *Strand* in the County of

of *Middlesex*, Grocer, deceased, your Petitioner *Mary Stiles* his Widow, is intitled to a Messuage and some Land, Part Freehold and Part Copyhold, in the Parish of *Twickenham* in the County of *Middlesex*, for her Life; and your Petitioner *John Roe* and *Margaret* his Wife, in right of the said *Margaret*, who is the Daughter of the said *George Stiles*, are intitled to one Moiety of the Reversion of the Premises, and the said Infants your Petitioner *Mary Stiles*'s Grandchildren, and who are the Grandchildren of the said *George Stiles*, are intitled to the Reversion of the other Moiety thereof, by Virtue of and under the said Will, which the said Testator intended should be divided amongst them.

That your Petitioners the said *Mary Stiles* and *John Roe*, and his said Wife, and the said Infants, being intitled to the Premises in Manner aforesaid, it is impracticable to make a Partition thereof; and the said House being considerably of the most Value, and subject to great Repairs, being a large old House, it is clearly the Interest of all Parties to make Sale of the Premises as soon as possible, and *Patrick Fenn*, Esq; the Father and Guardian of the said Infants hath consented thereto, but by reason of the Minority of the said Children,
a good

a good Conveyance cannot be made to a Purchaser till they all attain the Age of twenty-one Years, without the Aid of an Act of Parliament;

*Wherefore your Petitioners humbly pray,
That Leave may be given to bring
in a Bill for the Sale of the Premises, and for vesting the Money arising thereby in Trustees, for the same Uses to which the said Estates are given by the said Will of the said George Stiles.*

*And your Petitioners shall ever
pray, &c.*

Witness,

C. S. D.

M. Stiles,

F. C. B.

John Roe

for Self and Wife.

This Petition must be signed by all the Parties concerned in the Consequence of the Bill, and witnessed by two Witnesses.

This being done, the Petition must be given to a Lord, who will present it to the House; whereupon it is read, and an Order made to re-

fer

fer it to two Judges, or the Petition may be laid on the Table and taken up and read.

This Order you must draw up with the Clerk at the Parliament-Office in *Old Palace-Yard*, for which you pay One Guinea. The Form of the Order is as follows:

Die Veneris 7^o February 1766.

Upon reading the Petition of *Mary Stiles*, Widow, and *John Roe*, of *London*, Esq; on Behalf of themselves, and of *Margaret Roe*, Wife of the said *John Roe*, and of *Mary Fenn*, *John Fenn*, *Jane Fenn*, and *James Fenn*, Grandchildren of the said *Mary Stiles*, all Infants under the Age of fourteen Years, praying Leave to bring in a Bill for Sale of a Messuage and Land in the Parish of *Twickenham* in the County of *Middlesex*, and for vesting the Money arising thereby in Trustees, for the same Uses to which the said Estates are given by the Will of *George Stiles*, Grocer, deceased, IT IS ORDERED, by the Lords Spiritual and Temporal in Parliament assembled, That the Consideration of the said Petition be, and is hereby referred to the Lord Chief Baron of the Court of *Exchequer* and Mr. Baron *Adams*, who are forthwith to summon

summon all Parties concerned in the Bill; and after hearing them, are to report to the House the State of the Case, with their Opinion thereupon under their Hands; and whether all Parties, who may be concerned in the Consequences of the Bill, have signed the Petition; and also, that the Judges having perused the Bill do sign the same.

*Ashley Cowper, Cler'
Parliamentor'.*

The Clerk delivers you this Order with the Petition, of which you are to make two Copies.

Then draw the Bill; and after it is settled make two Copies of it, and leave one with each of the two Judges, together with a Copy of the Order of Reference and Petition.

Then get your Witnesses and attend at the House of Lords, and write a Note of their Names thus:

Witnesses to be sworn on Mrs. Stiles's
Petition,

*George Brush,
David Grinley.*

B

Then

Then give this Note to a Door-Keeper, who will carry it in to the Table; and the Witnesses will then be called in and sworn at the Bar of the House, for which you pay One Shilling for each to the Usher of the Black Rod; then take a Certificate of their being sworn from the Clerk, for which you pay Shillings, and which is in the following Form:

I do hereby certify, that William Smith, Esq, was this Day sworn by me at the Bar of this House, in order to be examined before the Judges, to whom the Petition of Mrs. Mary Stiles and Others, for a Private Bill, stands referred.

House of Lords,
10th Feb. 1766.

J. M.

Then draw a Brief of what is necessary to be proved before the Judges, with the Names of the Witnesses, and get the Witnesses ready to attend the Judges; for which Purpose you must get a Time appointed to meet at one of the Judge's Chambers, where you are to attend and get the Witnesses examined, who are to prove the material Facts, and the signing the Petition.

The

The Brief may be in the following Manner :

House of Lords.

For the Petitioners.

*On the Petition of Mary Stiles, Widow,
and Others, for a Bill to sell an
Estate at W.*

*Brief to attend Lord Chief Baron at his
Chambers in Serjeants Inn, on Friday
the 10th of February at Six o'Clock in
the Afternoon, and Mr. Baron A.*

On the 7th Instant *Mary Stiles, Widow,*
and *John Roe, of London, Esq,* on Behalf of
themselves, and *Margaret* Wife of said *John,*
and of *Mary, John, Jane, and James Fenn,*
Infants, Grandchildren of *George Stiles,* de-
ceas'd, presented their Petition to the House,
setting forth ;

That by the Will of the said *George Stiles,*
the Petitioner *Mary* his Widow is intitled to
a House and Land at *W.* for Life, and the
Petitioner and his Wife to a Moiety of the
Reversion, and the Infants to another Moiety
thereof, by Virtue of the said Will.

That the House being of most Value, and subject to great Repairs, being a large old House, it is clearly the Interest of all Parties to sell as soon as possible ; but during the Minority of the Infants, a good Conveyance cannot be made without the Aid of Parliament.

It is therefore prayed, that Leave may be given to bring in a Bill for Sale of the Premisses, and vesting the Money in Trustees to the Use of the Will.

On the same Day the Lords referred the Petition to the Lord Chief Baron and Mr. Baron A. who are to hear all Parties, and report to the House the State of the Case, and whether all Parties to be concerned in the Consequences of the Bill have signed the Petition.

On this Reference the following Facts will be necessary to be proved:

1st, The Execution of the Will of Mr. Stiles.

The Original Will brought from the Commons, proved by *William Smith* a subscribing Witness.

2d, To

2d, To prove the Petition
signed by Mrs. *Stiles* and Mr.
Roe for himself and Wife, and
that they consent for the In-
fants.

C. S. D.

F. C. B.

George Brush.

To prove Mr. *Stiles*'s Grand-
children by his Daughter *Fenn*
are all Infants, the eldest not
fourteen, and the youngest not
above five.

George Brush.

David Grinley.

That the principal Part of
the Estate is the House; that
the Land is only a Garden be-
longing to the House; that the
Whole is not worth more than
1300/. and that it is much for
the Interest of all Parties to sell.

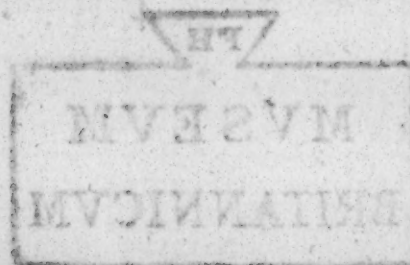
The same
Witnesses.

That Mr. *Stiles* intended
the Legal Estate should be
vested in the Trustees, who
then might have sold.

See the Will.

N. B. We have Certificates of the Witnesses
being sworn.

The



The Bill being approved by the Judges, and the Witnesses examined, make a fair Draught Copy of the Bill to be signed by the Judges, then draw the Judge's Report, the Form whereof is as follows :

To the Right Honourable the Lords
Spiritual and Temporal in Parlia-
ment assembled.

*In Pursuance of your Lordships Order
of Reference, bearing Date the 7th
Day of February one thousand seven
hundred and sixty-six, We have con-
sidered of the Petition therein men-
tioned and hereto annexed, and do find,*

That *George Stiles*, on the sixteenth Day of
September one thousand seven hundred and
fifty-six, made his last Will, and thereby did
give to his Wife the Petitioner *Mary Stiles* for
her Life, his Dwelling-House at *W.* in the
County of *Middlesex*, with all the Land be-
longing to him in that Parish, whether Freehold
or Copyhold; and after bequeathing several
Legacies, he did thereby give all his Lands and
Estates



Estates whatsoever, not thereby before devised or otherwise disposed of, to the Petitioner *Mary Stiles*, *Margaret Stiles* his Daughter, *David Grinley* his Nephew, and *Charles Hall*, Esq; in Trust to be divided equally, one Moiety to his said Daughter *Margaret Stiles*, and the other Moiety to his Grandchildren by his deceased Daughter *Fenn*, to be equally divided amongst them, Share and Share alike.

And it has been proved before Us,

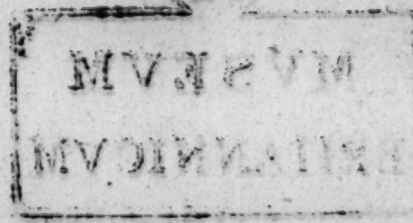
That the said *George Stiles*, on or about the *seventeenth Day of December one thousand seven hundred and sixty-six*, died; and that he left the said *Margaret* his Daughter, and *Mary*, *John*, *Jane*, and *James Fenn*, his four Grandchildren, and no other Grandchildren by his said deceased Daughter *Fenn*.

And it has been proved before Us,

That the said *Margaret Stiles*, since the Death of the said *George Stiles*, hath intermarried with the Petitioner *John Roe*.

And we find,

That by a Matrimonial Contract, bearing Date the *fourteenth Day of May one thousand*



and seven hundred and sixty-seven, made in such Manner as Deeds or Instruments of the like Kind are usually made in *Scotland*, previous to the said *Margaret Stiles's* Marriage with the Petitioner *John Roe*, she the said *Margaret Stiles*, with Consent of the Petitioner *Mary* her Mother, did assign, convey, and make over to the Petitioner *John Roe*, his Heirs and Assigns, all the Share, Interest and Benefit, Right and Title that she then had, or might thereafter descend, devolve, or belong to her the said *Margaret Stiles*, of, in or to all or any Part of the Estate real or personal in *England*, of the said deceased *George Stiles* her Father, by Virtue of his last Will, bearing Date the said 16th of *September* or otherwise.

And we further certify to your Lordships, that it hath been proved before Us, that the said *Mary Stiles* and *John Roe* have signed the Petition annexed, who are all the Persons who appear to Us to be concerned in the Consequence of the Bill; except the said *Mary*, *John*, *Jane*, and *James Fenn*, the Grandchildren of the said Petitioner *Mary Stiles*, on whose Behalf the same Petitioners have consented,

That

That inasmuch as the Premises comprised in the said Will of the said *George Stiles* cannot be divided, and it being proved before Us, that there is an Opportunity of disposing thereof to Advantage, it appears to Us, that it will be for the Interest of all Parties concerned that the said Premises should be sold, and the Money thereby arising vested in Trustees, for the same Uses to which the said Estates are given by the said Will of the said *George Stiles*; but by reason the said *Mary, John, Jane, and James Fenn*, are under Age as aforesaid, a good Title cannot be made to a Purchaser, nor the Intentions of the Parties carried into Execution, without the Aid of Parliament.

We have perused and signed the Bill annexed, which we conceive to be proper for the Purposes aforesaid, and are of opinion it may be reasonable to pass into a law, if your Lordships shall so please.

Then draw a Brief of the Bill for Lord Chancellor to acquaint the House with the Contents of it, and make a fair Copy thereof; the Form is as follows:

The Bill sets forth,

That *George Stiles* made his Will, dated 16th of September 1756. and thereby gave

C

to

to his Wife *Mary* for her Life, his Dwelling-House, and all the Land belonging to him in *W. Middlesex*, whether Copyhold or Freehold, and after several Legacies gave all his Lands, Estates, Goods and Chattels not before disposed of, to his said Wife *Mary*, his Daughter *Margaret*, *David Grinley*, and *Charles Hall*, Esquire, in Trust, to be equally divided, one Moiety to his said Daughter, and the other Moiety to his Grandchildren by his deceased Daughter *Fenn*, Share and Share alike.

The Bill further sets forth,

That the said *George Stiles* died the 17th of December 1766. leaving said

<i>Mary</i> his Widow,	
<i>Margaret</i> his Daughter, and	
<i>Mary</i>	} <i>Fenn</i> , his Grand-
<i>John</i>	
<i>Jane</i> and	
<i>James</i>	
	children by his said
	Daughter <i>Fenn</i> .

Whereby *Mary* his Widow became intitled to the Premisses for her Life,

Margaret the Daughter to a Moiety of the Reversion, and

The

The four Grandchildren to the other Moieties thereof.

That the said *Margaret* since her Father's Death hath married with *John Roe*, of *London*, Esquire, and by Virtue of a matrimonial Contract or Settlement made after the *Scotch* Form, the said *John Roe* is become intitled to the Estate and Interest of the said *Margaret* in the Premises.

That the Owners of the Premises have an Opportunity of selling the same to Advantage, but by reason of the Minority of the said *Mary*, *John*, *Jane*, and *James Fenn*, who are all Infants under the Age of four Years, a good Conveyance cannot be made without the Aid of Parliament.

Wherefore the Bill enacts,

That the Premises given by said Will in Trust as aforesaid, shall from the 20th Day of *March* 17 be vested in certain Persons in the Bill named, and their Heirs, in Trust to sell the same, and place out the Money on Government or other Security at Interest as in Bill, which is to be paid and divided as the Premises would

have been in Case this Act had not been made.

There is a Clause,

Which declares, that until Sale, the Trustees shall stand seized in Trust for such Estates as the Parties had before the making this Act.

And other Clauses,

Which declare, that the Receipt of the Trustees shall be a good Discharge to Purchasers for the Payment of their Purchase-Money.

And declaring, that each Trustee shall be accountable for his own Acts only, and be paid their Charges.

With a general Saving of Right,

To the King, the Lord of the Manor, and all others (not excepted by the Bill.)

The Judges having signed the Report fairly wrote, and the fair Draught of the Bill, take the Petition, Order of Reference, Report, and Bill, and tack them together at one Side of the Top of the Margin of the Bill with a Piece of Tape; and being so annexed, carry them together, with the Brief of the Bill, to the House
of

of Lords, and deliver them to the Clerk at the Table, and speak to a Lord to take them up and present to the House, or it will be taken up of Course; which being done, the Report of the Judges is read, and then the Bill is read the first Time, and ordered to be read a second Time in a Day or two.

The Bill being so brought in, you must get it printed, and ready to be delivered to the Lords by the second Reading; regularly it should be before 'tis read at all; the printed Bills are to be delivered to the Clerk of the Parliament; but as few Lords attend, few of the Bills are disposed of, but kept by the Door-Keepers, who sell them in Lots every Session.

On the second Reading, the Bill is committed generally to all the Lords then present, of which Committee you may have a Copy.

On the second Reading the Fees are paid to one of the Door-Keepers, amounting to 27*l*. but if it be what they call a double Bill, then they increase the Fees to double the Sum.

It is the Order of the House, that a private Bill be not committed for less than a Fortnight.

The Bill being committed, if it any ways interferes with any standing Order of the House, that is usually dispensed with; you must draw
a Case

a Case to shew the Reasons for Dispensation, and give it to a Lord, to move that the Lords may be summon'd to take the Matter into Consideration, which will be ordered for the next or some short Day, when upon reading the Order of the Day, the Lord who made the Motion is called upon to give his Reasons for a Dispensation; upon which it is ordered accordingly, if the House thinks it reasonable.

Then you are to take a List of the Committee, and get such Lords as you can to attend; five make a Committee; at this Committee you must have a printed Bill filled up, and also Bills upon the Table for each Lord, with the Blanks. The Clerk of the Committee reads the Judges Report and the Bill, when you must have your Witnesses to prove the Allegations, and then the Bill passes the Committee, with the Blanks filled up on a separate Paper by way of Amendments; then the Lord in the Chair reports the Bill with the Amendments to the House; whereupon the Bill with the Amendments are ordered to be ingrossed.

The Bill being ingrossed may be read a third Time, when it passes, and then you fill up the Blanks in the Brief, and the Bill and Brief are carried down to the Commons by two Masters in Chancery.

The

The Clerk of the Committee's *l. s. d.*
 Fee is — — — — — 2 : 2 : 0

The Ingrossing Clerk makes
 out a Bill according to the Length,
 and charges a Guinea for every
 Order.

The Door-Keeper takes Com-
 mittee Fees for the Usher of the
 Black Rod, about Three Guineas,
 and it is usual to give the Door-
 Keeper something.

The Bill being brought to the *Commons*, you
 must have your printed Acts as passed the
 Lords, and give two to a Member, to move to
 take the Bill off the Table to be read the first
 Time; one he gives the Speaker, and the other
 he keeps himself.

The Bill being read at two different Times
 it is committed.

The Chairman of the Committee makes his
 Report of the Bill, at the Side-Bar of the
 House, and then delivers the same to the Clerk
 of the Parliament, who reads it; and then the
 Speaker takes the Bill in his Hand, holds it up,
 and puts the last Question, Whether the Bill
 shall pass; and if carried by Majority of Voices,
 then it passes, and is returned to the House of
 Lords,

Lords, where it lies for the Royal Assent, which is given in the following Manner; His Majesty comes to the House in great Grandeur, being drawn thither in his State-Coach by eight cream-coloured Horses, preceded by most of the Nobility of the Kingdom; where, having his Crown and his Royal Robes on, he signs the Bill, the Clerk of the Parliament reads the Title of it, and declares the Royal Assent by saying, "*Le Roy * le veut.*"

* The ingenious Author of *Observations on the Statutes*, says, "What might have contributed to continue our Laws in the *French* Language, seems to have arose from there being a standing Committee in Parliament to receive Petitions from the Provinces of *France*, which formerly belonged to the Crown of *England*; and as these Petitions were in *French*, and the Answers likewise in that Language, it might probably be a Reason why all the Parliamentary Transactions should be in *French* by way of Uniformity. This likewise seems to be the Reason of a Law receiving the Royal Assent in *French*, which, as Foreigners generally attend that Ceremony, should be abolished.— I have heard of its being difficult to translate these old Forms: I should conceive that these three Words would answer every Purpose, and unexceptionably; BE IT SO. The Forms might likewise be translated literally into *English*. *Observ. on the Statutes*, 35. Note (s).

F I N I S.

PH

MVSEVM
BRITANNICVM

